

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
C. ROBERT ALLEN, III, by LUKE ALLEN, as Guardian for the
Property Management of C. Robert Allen, III,

Plaintiff,

- against -

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILLCREEK BROADCASTING LLC, COLLEGE CREEK MEDIA
LLC, MARATHON MEDIA GROUP, LLC, 3 POINT MEDIA-
SALT LAKE CITY, LLC, 3 POINT MEDIA DELTA, LLC, 3
POINT MEDIA-UTAH, LLC, 3 POINT MEDIA-FRANKLIN, LLC,
3 POINT MEDIA-PRESCOTT VALLEY, LLC, 3 POINT MEDIA-
COALVILLE, LLC, 3 POINT MEDIA-ARIZONA, LLC, 3 POINT
MEDIA-FLORIDA, LLC, 3 POINT MEDIA-KANSAS, LLC, 3
POINT MEDIA-OGDEN, LLC, 3 POINT MEDIA-SAN
FRANCISCO, LLC, MIDVALLEY RADIO PARTNERS, LLC,
D&B TOWERS LLC, SUPERIOR BROADCASTING OF
NEVADA, LLC, SUPERIOR BROADCASTING OF DENVER,
LLC, WACKENBURG ASSOCIATES, LLC, PORTLAND
BROADCASTING LLC, DESERT SKY MEDIA LLC, SKY
MEDIA LLC, DEVINE RACING MANAGEMENT, LLC, ACB
CONSULTING CO., and John Does 1-50,

Defendants.

-----X
CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILLCREEK BROADCASTING LLC, COLLEGE CREEK MEDIA
LLC, MARATHON MEDIA GROUP, LLC, 3 POINT MEDIA-
SALT LAKE CITY, LLC, 3 POINT MEDIA DELTA, LLC, 3
POINT MEDIA-UTAH, LLC, 3 POINT MEDIA-FRANKLIN, LLC,
3 POINT MEDIA-PRESCOTT VALLEY, LLC, 3 POINT MEDIA-
COALVILLE, LLC, 3 POINT MEDIA-ARIZONA, LLC, 3 POINT
MEDIA-FLORIDA, LLC, 3 POINT MEDIA-KANSAS, LLC, 3
POINT MEDIA-OGDEN, LLC, 3 POINT MEDIA-SAN
FRANCISCO, LLC, MIDVALLEY RADIO PARTNERS, LLC,
SUPERIOR BROADCASTING OF NEVADA, LLC, SUPERIOR
BROADCASTING OF DENVER, LLC, WACKENBURG
ASSOCIATES, LLC, PORTLAND BROADCASTING LLC,
DESERT SKY MEDIA LLC, SKY MEDIA LLC, and ACB
CONSULTING CO.,

Third-Party Plaintiffs,

- against -

LUKE ALLEN,

Third-Party Defendant.

No. 09-cv-0668
(ADS) (ETB)

**NOTICE OF
MOTION TO
SUBSTITUTE
PARTY**

-----X

PLEASE TAKE NOTICE that, upon the annexed Declaration of Reed P. Whittemore dated June 14, 2011, with exhibit attached thereto, and all prior papers, pleadings, and proceedings in this action, non-party The Estate of C. Robert Allen, III, by its Executrix Grace M. Allen (the "Estate"), by its undersigned attorneys, will move this Court before the Honorable Arthur D. Spatt, at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York on a date and time to be determined by the Court or as soon thereafter as counsel can be heard, for an order (1) substituting the Estate as the plaintiff in this action for the late C. Robert Allen, III, pursuant to Fed. R. Civ. P. 25, and (2) granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in the event this motion is granted, the amended caption will read as follows:

THE ESTATE OF C. ROBERT ALLEN, III, by its Executrix,
GRACE M. ALLEN,

Plaintiff,

- against -

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILLCREEK BROADCASTING LLC, COLLEGE CREEK MEDIA
LLC, MARATHON MEDIA GROUP, LLC, 3 POINT MEDIA-SALT
LAKE CITY, LLC, 3 POINT MEDIA DELTA, LLC, 3 POINT
MEDIA-UTAH, LLC, 3 POINT MEDIA-FRANKLIN, LLC, 3
POINT MEDIA-PRESCOTT VALLEY, LLC, 3 POINT MEDIA-
COALVILLE, LLC, 3 POINT MEDIA-ARIZONA, LLC, 3 POINT
MEDIA-FLORIDA, LLC, 3 POINT MEDIA-KANSAS, LLC, 3
POINT MEDIA-OGDEN, LLC, 3 POINT MEDIA-SAN
FRANCISCO, LLC, MIDVALLEY RADIO PARTNERS, LLC, D&B
TOWERS LLC, SUPERIOR BROADCASTING OF NEVADA, LLC,
SUPERIOR BROADCASTING OF DENVER, LLC,
WACKENBURG ASSOCIATES, LLC, PORTLAND
BROADCASTING LLC, DESERT SKY MEDIA LLC, SKY MEDIA
LLC, DEVINE RACING MANAGEMENT, LLC, ACB
CONSULTING CO., and John Does 1-50,

Defendants.

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,
MILLCREEK BROADCASTING LLC, COLLEGE CREEK MEDIA
LLC, MARATHON MEDIA GROUP, LLC, 3 POINT MEDIA-SALT
LAKE CITY, LLC, 3 POINT MEDIA DELTA, LLC, 3 POINT
MEDIA-UTAH, LLC, 3 POINT MEDIA-FRANKLIN, LLC, 3
POINT MEDIA-PRESCOTT VALLEY, LLC, 3 POINT MEDIA-
COALVILLE, LLC, 3 POINT MEDIA-ARIZONA, LLC, 3 POINT
MEDIA-FLORIDA, LLC, 3 POINT MEDIA-KANSAS, LLC, 3
POINT MEDIA-OGDEN, LLC, 3 POINT MEDIA-SAN
FRANCISCO, LLC, MIDVALLEY RADIO PARTNERS, LLC,
SUPERIOR BROADCASTING OF NEVADA, LLC, SUPERIOR
BROADCASTING OF DENVER, LLC, WACKENBURG
ASSOCIATES, LLC, PORTLAND BROADCASTING LLC,
DESERT SKY MEDIA LLC, SKY MEDIA LLC, and ACB
CONSULTING CO.,

Third-Party Plaintiffs,

- against -

LUKE ALLEN,

Third-Party Defendant.

Dated: Port Washington, New York
June 14, 2011

REED P. WHITTEMORE,
ATTORNEY AT LAW

By: _____/s/_____
Reed P. Whittemore
whittemorelaw@optimum.net

14 Vanderventer Avenue, Suite 115
Port Washington, New York 11050

*Attorneys for The Estate of C. Robert Allen, III,
by its Executrix, Grace M. Allen*